

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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| JUDITH G. GALLEGOS, |) | |
| |) | |
| Plaintiff, |) | 2:07-cv-00722-LRH (GWF) |
| |) | |
| v. |) | |
| |) | <u>ORDER</u> |
| MICHAEL ASTRUE, COMMISSIONER OF |) | |
| SOCIAL SECURITY, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Before this Court is Findings & Recommendations of U.S. Magistrate George Foley, Jr. (#20¹) entered on September 10, 2008, recommending granting Plaintiff's Motion for Reversal (#11) filed on January 22, 2008, and denying Defendant's Motion to Affirm (#16) filed on April 1, 2008. Plaintiff filed her Exceptions to Magistrate's Findings and Recommendations (#21) on September 22, 2008, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 3-2 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) and Local Rule IB 3-2. Although Plaintiff presents a strong case for disability, the Court determines that the Magistrate Judge's Findings and Recommendations (#20)

¹Refers to court's docket number.

1 entered on September 10, 2008, should be adopted and accepted.

2 IT IS THEREFORE ORDERED that the Magistrate Judge's Findings and
3 Recommendations (#20) entered on September 10, 2008, is adopted and accepted, and Plaintiff's
4 Motion for Reversal (#11) is GRANTED. This case is remanded to the Commissioner for a further
5 hearing and determination of whether Plaintiff is disabled based on a proper evaluation of the record
6 as a whole, including giving due weight to the medical opinions of the Plaintiff's treating physicians,
7 a proper assessment and crediting of Plaintiff's testimony regarding her symptoms and limitations, and
8 a proper assessment and evaluation of the vocational expert testimony regarding the availability of
9 other jobs in the national economy that Plaintiff can perform.

10 IT IS FURTHER ORDERED that Defendant's Motion to Affirm (#16) is DENIED.

11 IT IS SO ORDERED.

12 DATED this 27th day of February, 2009.

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16 LARRY R. HICKS
17 UNITED STATES DISTRICT JUDGE
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